

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

Illinois Commerce Commission)	
On Its Own Motion)	
)	
v.)	Docket No. 02-0067
)	
Northern Illinois Gas Company d/b/a)	
NICOR Gas Company)	
)	
Proceeding to Review Rider 4, Gas Cost,)	
Pursuant to Section 9-244 (c) of the)	
Public Utilities Act)	

**NORTHERN ILLINOIS GAS COMPANY’S REQUEST FOR
CONFIDENTIAL TREATMENT**

Northern Illinois Gas Company d/b/a Nicor Gas Company (“Nicor”), through its attorneys, hereby respectfully requests that the Administrative Law Judges (the “ALJs”) designate certain Nicor documents disclosed by Nicor through discovery in this proceeding as Confidential documents. In support of this Request, Nicor states as follows:

1. On Mar. 21, 2002, Nicor and certain other parties to this docket, the Citizens Utility Board (“CUB”) and the Cook County State’s Attorney’s Office (“CCSAO”), voluntarily entered into a Proprietary Agreement the purpose of which was to provide for the protection of designated material to be made available by Nicor and other parties in connection with this docket, which contains confidential, proprietary, or trade secret information.
2. Pursuant to the ALJs’ directions, CUB/CCSAO has identified certain Nicor documents, including certain data request responses, designated by Nicor as Confidential documents for which CUB/CCSAO objects to such designation.
3. Counsel for Nicor and CUB/CCSAO have conferred with respect to these documents and CUB/CCSAO has withdrawn its objection to the confidential designation of the

following documents: CUB 4.05, 4.06, 4.07, 4.11, 4.15, 5.05, 5.08, and ICC 2.11. (*See* CCSAO's Oct. 18, 2002 letter to the Hon. Judge Philip Casey re: Objections to Nicor's Confidential Documents). These documents are not subject to this Request.

4. In the interest of compromise, without waiving any rights, Nicor has withdrawn its Confidential designation under the Proprietary Agreement with respect to the following documents previously identified by CUB/CCSAO: CUB 4.09, 4.16, 5.01, 5.13, and ICC 1.19, 2.08, 4.09. These documents are not subject to this Request.

5. Pursuant to the ALJs' directions at the Sept. 26, 2002 hearing in this matter and the Notice of Continuance of Hearing, dated Sept. 27, 2002, Nicor has provided a basis supporting the designation of the certain other documents identified by CUB/CCSAO. (*See* Exhibit A attached hereto). Nicor understands that a copy of each of these documents has been provided to the ALJs by CCSAO.

6. Consistent with the ALJs' guidance, Nicor in support of this Request has relied upon the statutes of the State of Illinois (*see* 220 ILCS 5/4-404), the rules and regulations of the Illinois Commerce Commission (*see* 83 Ill. Adm. Code § 200.430(a)), and applicable legal authority (*see May Centers, Inc. v. S.G. Adams Printing and Stationery Co.*, 153 Ill. App. 3d 1018, 506 N.E.2d 691 (5th Dist. 1987); *Bank of N.Y. v. Meridien Biao Bank Tanzania Ltd.*, 171 F.R.D. 135 (S.D. N.Y. 1997); *Nestle Foods Corp. v. Aetna Cas. and Sur. Co.*, 129 F.R.D. 483 (D. N.J. 1990); *see also* 15 U.S.C. §§ 78j(b) and 17 C.F.R. § 240.10b-5).

7. In order to maintain the security and secrecy of Nicor's Confidential documents and to allow the fullest possible response to discovery in this proceeding without unfairly compromising Nicor, Nicor seeks protection for its Confidential documents through this Request for the confidential treatment of such documents.

WHEREFORE, for all of these reasons, Northern Illinois Gas Company d/b/a Nicor Gas Company respectfully requests that the ALJs designate the Nicor documents disclosed by Nicor through discovery and addressed herein as Confidential documents.

Dated: October 21, 2002

Respectfully submitted,

NORTHERN ILLINOIS GAS COMPANY
d/b/a NICOR GAS

By: _____
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EXHIBIT A
TO NORTHERN ILLINOIS GAS COMPANY'S
REQUEST FOR CONFIDENTIAL TREATMENT

1. CUB 4.12

The referenced document contains specific non-public information about Nicor's methods and strategies for the operation of its business, the disclosure of which could result in competitive harm to Nicor and/or the erosion of its bargaining position. It contains proprietary information as to pricing or other negotiated terms between Nicor and third-parties who provide (or seek to provide) materials or services to Nicor that are competitively sensitive and should be protected to maintain the parties' legitimate business interests. For these reasons, Nicor respectfully requests that this document receive Confidential treatment.

2. CUB 4.17

Nicor requests confidential treatment only as to the attachments to CUB 4.17. These documents contain personnel information, which is not public and is subject to individual privacy concerns. They also contain specific non-public information about Nicor's methods and strategies for the operation of its business, the disclosure of which could result in competitive harm to Nicor and/or the erosion of its bargaining position. For these reasons, Nicor respectfully requests that this document receive Confidential treatment.

3. CUB 4.18

The referenced document contains specific non-public information about Nicor's methods and strategies for the operation of its business the disclosure of which could result in competitive harm to Nicor and/or the erosion of its bargaining position. It contains proprietary information as to pricing or other negotiated terms between Nicor and third-parties who provide (or seek to provide) materials or services to Nicor that are competitively sensitive and should be protected to maintain the parties' legitimate business interests. It also contains material non-public information, the selective disclosure of which could result in trading in the public market for Nicor's securities on the basis of such information in a manner contrary to the policies of the federal securities law relating to insider trading. For these reasons, Nicor respectfully requests that these documents receive Confidential treatment.

4. CUB 5.03

The referenced document contains specific non-public information about Nicor's methods and strategies for the operation of its business the disclosure of which could result in competitive harm to Nicor and/or the erosion of its bargaining position. It contains proprietary information as to pricing or other negotiated terms between Nicor and third-parties who provide (or seek to provide) materials or services to Nicor that are competitively sensitive and should be protected to maintain the parties' legitimate business interests. It also contains material non-public information, the selective disclosure of which could result in trading in the public market for Nicor's securities on the basis of such information in a manner contrary to the policies of the federal securities law relating to insider trading. For these reasons, Nicor respectfully requests that these documents receive Confidential treatment.

5. ICC 1.14

The referenced document contains personnel information, which is not public and is subject to individual privacy concerns. It contains specific non-public information about Nicor's methods and strategies for the operation of its business, the disclosure of which could result in competitive harm to Nicor and/or the erosion of its bargaining position. For these reasons, Nicor respectfully requests that this document receive Confidential treatment.

6. ICC 1.22

Nicor requests confidential treatment only as to the attachments to ICC 1.22. The referenced documents contains specific non-public information about Nicor's methods and strategies for the operation of its business the disclosure of which could result in competitive harm to Nicor and/or the erosion of its bargaining position. They contain proprietary information as to pricing or other negotiated terms between Nicor and third-parties who provide (or seek to provide) materials or services to Nicor that are competitively sensitive and should be protected to maintain the parties' legitimate business interests. They also contain material non-public information, the selective disclosure of which could result in trading in the public market for Nicor's securities on the basis of such information in a manner contrary to the policies of the federal securities law relating to insider trading. For these reasons, Nicor respectfully requests that these documents receive Confidential treatment.

7. ICC 4.07

The referenced document contains specific non-public information about Nicor's methods and strategies for the operation of its business the disclosure of which could result in competitive harm to Nicor and/or the erosion of its bargaining position. . It also contains material non-public information, the selective disclosure of which could result in trading in the public market for Nicor's securities on the basis of such information in a manner contrary to the policies of the federal securities law relating to insider trading. For these reasons, Nicor respectfully requests that these documents receive Confidential treatment.

8. ICC 4.18

The referenced document contains specific non-public information about Nicor's methods and strategies for the operation of its business the disclosure of which could result in competitive harm to Nicor and/or the erosion of its bargaining position. .For these reasons, Nicor respectfully requests that these documents receive Confidential treatment.